

REMARKS

Review and reconsideration of the Office Action of November 4, 2002, is respectfully requested in view of the above amendments and the following remarks.

Please charge the fee for the additional claim to the undersigned's deposit account.

New claim 29 finds support at page 5, lines 21-22 and the examples. Applicants acknowledge that entry of a new claim after final without cancellation of another claim is discretionary with the Examiner. However, in the interest of expedited prosecution, entry and consideration of claim 29 ("two component") is respectfully requested. It is respectfully submitted that the prior art does not teach a "two component" cheese flavoring, and that such is not inherent in natural cheeses.

The present invention makes it possible, using a simple checklist of only essential components, to reliably compose a wide variety of cheese flavors. Non-essential components are eliminated from this list. As indicated at the top of page 16 of the specification, "The inventive cheese flavorings surprisingly enable the preparation of all flavors typical of a variety without being bound to constituents which do not contribute to the taste sensation "cheese"".

No prior art references teaches how to prepare a cheese flavoring for any cheese variety without constituents which do not contribute to the taste sensation "cheese".

In the present invention, this is done by determining the concentrations of each of the presently listed 14 categories of odor-active substances and taste-active substances in a particular cheese variety using analytical methods (specification, page 11,

first paragraph). The substances which are important for cheese flavoring are selected by determining the so-called odor active values (OAV) and taste active values (TAV). All substances having OAVs and TAVs greater than one, obtained from the quotient of the respective concentration of a compound and the corresponding threshold value in a relevant matrix in water, are taken into account for quantitative matching with flavoristic methods. Based on the results of the analysis in each of the 14 categories, organoleptic substances are mixed in the determined amounts to produce a cheese flavor corresponding to the desired target cheese.

Using this system, cheddar and parmesan cheese flavorings were prepared in the specification.

It is noted, as pointed out by the Examiner, that the lower ranges of certain classes of components may be "0". The Examiner thus reads the claim as requiring not 14 ingredients, but only 10 ingredients.

In response, Applicants point out that the quantities of ingredients are selected based upon the analytical determination of the target cheese flavor to be reproduced. Thus, if the target cheese flavor contains any ingredients in groups 6, 9, 13 or 14, then the cheese flavoring produced in accordance with the present invention will contain an amount of such an ingredient. If the analysis of the target cheese flavor determines that there is no ingredient in one or more of groups 6, 9, 13 or 14 in the target cheese, then the cheese flavoring produced in accordance with the invention may also be free of these ingredients.

No prior art teaches the system of the present invention.

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This document does not provide any qualitative or quantitative details of non-volatile, taste-active compounds. The flavoring substances described are those typically used for soft cheese and they represent only a portion of those specified for the presently claimed cheese flavoring ingredient list.

Preiningeretal.

The volatile flavoring substances described in this document represent only some of the substances mentioned in the present claims. This is also true of the non-volatile, taste-active substances. Peptides are, for example, not mentioned at all in Preininger.

The corresponding quantities recited in the present claims are absolutely necessary for the production of the flavoring according to our invention. These groups are not mentioned in the above references. In addition, the various quantities mentioned in the references represent only a small portion of those mentioned in the present claims.

As far as salts are concerned, only some examples in Preininger are mentioned for the production of model solutions. Preininger does not contain any reference to the quantities employed or the use thereof for ready-to-eat foods. It only relates to model solutions.

Moreover, the list of groups of substances (1 to 14) and the corresponding quantities mentioned are absolutely necessary for the production of the flavoring according to the present invention. These groups are not mentioned in the above references. In addition, the various quantities mentioned in the

U.S. Application No.: 09/871,059
AMENDMENT B

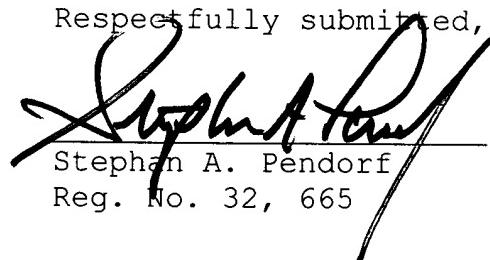
Attorney Docket: 3968.024

references represent only a small portion of those mentioned in the present claims.

Consider for example the cheddar and parmesan cheese flavors produced in accordance with the present invention - the cited prior art does not teach a system for producing these or other flavors without inclusion of ingredients not essential for the flavor/taste sensation of the cheese variety.

Accordingly, withdrawal of the rejection and early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,



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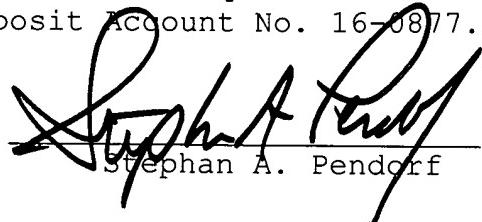
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Dated: February 4, 2003

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing AMENDMENT B for U.S. Application No. 09/871,059 filed May 31, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on **February 4, 2003**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Stephan A. Pendorf

VERSION WITH MARKINGS TO SHOW CHANGES MADE HEREBY ATTACHED

The Examiner is requested to accept the marked-up version as it is based on the previous version, which when modified as below, produces the clean version submitted with the current amendment.

IN THE CLAIMS:

Please add claim 29 as follows:

29. A two-component cheese flavoring comprising separate premix A and premix B:

- premix A) volatile component contents comprising
 - i) from 5 to 200 parts by weight of compounds having acidic and acetic-acid-like flavors (Group 1);
 - ii) from 0.1 to 10.0 parts by weight of compounds having milk-like and creamy flavors or cream-like or caramel-like flavors (Group 2);
 - iii) from 0.03 to 6.0 parts by weight of compounds having fruity and flowery flavors (Group 3);
 - iv) from 0.01 to 15.0 parts by weight of compounds having strong flavors, blue mold flavors and rind flavors (Group 4);
 - v) from 0.003 to 15.0 parts by weight of compounds having fatty flavors (Group 5);
 - vi) from 0 to 0.05 parts by weight of compounds having animal flavors (Group 6);
 - vii) from 0.0003 to 0.6 parts by weight of compounds having roasted flavors and cocoa-like flavors and also smoky flavors (Group 7);

- viii) from 0.00005 to 0.1 parts by weight of compounds having vegetable-like flavors (Group 8);
- ix) from 0 to 0.1 parts by weight of compounds having mushroom-like flavors or soft-cheese-like flavors (Group 9);
- premix B) non-volatile component contents comprising:
 - i) from 100 to 480 parts by weight of compounds having the taste impression salty (Group 10);
 - ii) from 50 to 550 parts by weight of compounds having the taste impression sour (Group 11);
 - iii) from 5 to 200 parts by weight of compounds having astringent, bitter notes (Group 12);
 - iv) from 0 to 100 parts by weight of compounds having the taste impression sweet (Group 13); and
 - v) from 0 to 140 parts by weight of compounds having a glutamate-like taste impression (umami) (Group 14).